



#14

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

RECEIVED

JUL 6 2004

GROUP 3600

In re application: Shrader et al.

Serial No.: 09/578,751

Filed: May 25, 2000

For: Client-Side Pricing Agent for  
Collecting and Managing Product  
Price Information Over the Internet

§  
§  
§  
§ Group Art Unit: 3627  
§  
§ Examiner: Fischer, Andrew J.  
§  
§ Attorney Docket No.: AUS000168US1  
§  
§  
§

Mail Stop Petitions  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Certificate of Mailing Under 37 C.F.R. § 1.8(a)  
I hereby certify this correspondence is being deposited with  
the United States Postal Service as First Class mail in an  
envelope addressed to: Mail Stop Petitions, Commissioner for  
Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on June  
25, 2004.  
By: Krista Douthitt  
Krista Douthitt

PETITION TO WITHDRAW HOLDING OF ABANDONMENT

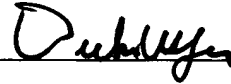
I hereby petition to withdraw the holding of abandonment in this case, on the basis that the  
reply forming the basis of the abandonment was in fact mailed to the USPTO. I hereby state that a  
Notice of Appeal was filed in this case on February 5, 2004 in timely response to the Final Office  
Action mailed on November 6, 2003.

I attach a copy of the Notice of Appeal and a copy of the USPTO fax confirmation receipt.

In consideration of these submissions, it is respectfully requested that the holding of  
abandonment be withdrawn and prosecution be re-opened.

No fees are believed to be necessary. If, however, any fees are required, I authorize the Commissioner to charge these fees which may be required to IBM Corporation Deposit Account No. 09-0447.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Duke W. Yee", is written over a horizontal line.

Duke W. Yee  
Reg. No. 34,285  
Yee & Associates, P.C.  
P.O. Box 802333  
Dallas, TX 75380  
972/367-2001  
Attorney for Applicants



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

RECEIVED

JUL 6 2004

GROUP 3600

In re application of: Shrader et al.

Serial No.: 09/578,751

Filed: May 25, 2000

For: Client-Side Pricing Agent for  
Collecting and Managing Product  
Price Information Over the Internet

§  
§  
§  
§  
§  
§

Group Art Unit: 3627

Examiner: Fischer, Andrew J.

Attorney Docket No.: AUS000168US1

Certificate of Transmission Under 37 C.F.R. § 1.8(a)

I hereby certify this correspondence is being transmitted via facsimile to the Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, facsimile number (703) 872-9306, on February 5, 2004.

By:

Krista Douthitt

**NOTICE OF APPEAL**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

Applicant hereby appeals to the Board of Patent Appeals and Interferences from the office action dated November 6, 2003 finally rejecting claims 1-15.

A fee of \$330.00 is believed to be necessary. Please charge this fee to IBM Corporation Deposit Account No. 09-0447. In the event that any additional fees are required for the prosecution of this application, please charge any necessary fees to IBM Corporation Deposit Account No. 09-0447. No extension of time is believed to be necessary. If, however, an extension of time is needed, the extension is requested and the fee for this extension should be charged to IBM Corporation Deposit Account No. 09-0447.

Respectfully submitted,

Duke W. Yee

Reg. No. 34,285

CARSTENS YEE & CAHOON, LLP

P.O. Box 802334

Dallas, Texas 75380

(972) 367-2001

ATTORNEY FOR APPLICANTS

07/30/2004 SCALLIHA 00000001 090447 09578751

01 FC:1401 330.00 DA



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

**RECEIVED**

JUL 6 2004

**GROUP 3600**

Application of: Shrader et al.

Serial No.: 09/578,751

Filed: May 25, 2000

For: Client-Side Pricing Agent for  
Collecting and Managing Product  
Price Information Over the Internet

§ Group Art Unit: 3627

§ Examiner: Fischer, Andrew J.

§ Attorney Docket No.: AUS000168US1

§ **Certificate of Transmission Under 37 C.F.R. § 1.8(a)**

I hereby certify this correspondence is being transmitted via  
facsimile to the Commissioner for Patents, P.O. Box 1450,  
Alexandria, VA 22313-1450, facsimile number (703) 872-9306 on  
February 5, 2004.

By: 

Krista Douthitt

**TRANSMITTAL DOCUMENT**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

35525

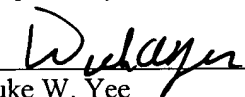
PATENT TRADEMARK OFFICE  
CUSTOMER NUMBER

Sir:  
ENCLOSED HEREWITH:

- Notice of Appeal

A fee of \$330.00 is believed to be necessary. Please charge this fee to IBM Corporation Deposit Account 09-0447. In the event that any additional fees are required for the prosecution of this application, please charge any necessary fees to IBM Corporation Deposit Account 09-0447. No extension of time is believed to be necessary. If, however, an extension of time is needed, the extension is requested and the fee for this extension should be charged to IBM Corporation Deposit Account 09-0447.

Respectfully submitted,

  
Duke W. Yee

Registration No. 34,285

CARSTENS, YEE & CAHOON, LLP

P.O. Box 802334

Dallas, Texas 75380

(972) 367-2001

ATTORNEY FOR APPLICANTS



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov



APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/578,751	05/25/2000	Theodore Jack London Shrader	AUS000168US1	6562

35525 7590 06/14/2004  
DUKE W. YEE  
CARSTENS, YEE & CAHOON, L.L.P.  
P.O. BOX 802334  
DALLAS, TX 75380

EXAMINER	
FISCHER, ANDREW J	
ART UNIT	PAPER NUMBER
3627	

DATE MAILED: 06/14/2004

**RECEIVED**

**JUL 6 2004**

**GROUP 3600**

Please find below and/or attached an Office communication concerning this application or proceeding.



# Notice of Abandonment

Application No.

09/578,751

Examiner

Andrew J. Fischer

Applicant(s)

SHRADER ET AL.

Art Unit

3627

WV

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

This application is abandoned in view of:

RECEIVED

JUL 6 2004

GROUP 3600

1. ☒ Applicant's failure to timely file a proper reply to the Office letter mailed on 06 November 2003.
  - (a) ☐ A reply was received on \_\_\_\_\_ (with a Certificate of Mailing or Transmission dated \_\_\_\_\_), which is after the expiration of the period for reply (including a total extension of time of \_\_\_\_\_ month(s)) which expired on \_\_\_\_\_.
  - (b) ☐ A proposed reply was received on \_\_\_\_\_, but it does not constitute a proper reply under 37 CFR 1.113 (a) to the final rejection. (A proper reply under 37 CFR 1.113 to a final rejection consists only of: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114).
  - (c) ☐ A reply was received on \_\_\_\_\_ but it does not constitute a proper reply, or a bona fide attempt at a proper reply, to the non-final rejection. See 37 CFR 1.85(a) and 1.111. (See explanation in box 7 below).
  - (d) ☒ No reply has been received.
2. ☐ Applicant's failure to timely pay the required issue fee and publication fee, if applicable, within the statutory period of three months from the mailing date of the Notice of Allowance (PTOL-85).
  - (a) ☐ The issue fee and publication fee, if applicable, was received on \_\_\_\_\_ (with a Certificate of Mailing or Transmission dated \_\_\_\_\_), which is after the expiration of the statutory period for payment of the issue fee (and publication fee) set in the Notice of Allowance (PTOL-85).
  - (b) ☐ The submitted fee of \$\_\_\_\_\_ is insufficient. A balance of \$\_\_\_\_\_ is due.  
The issue fee required by 37 CFR 1.18 is \$\_\_\_\_\_. The publication fee, if required by 37 CFR 1.18(d), is \$\_\_\_\_\_.
  - (c) ☐ The issue fee and publication fee, if applicable, has not been received.
3. ☐ Applicant's failure to timely file corrected drawings as required by, and within the three-month period set in, the Notice of Allowability (PTO-37).
  - (a) ☐ Proposed corrected drawings were received on \_\_\_\_\_ (with a Certificate of Mailing or Transmission dated \_\_\_\_\_), which is after the expiration of the period for reply.
  - (b) ☐ No corrected drawings have been received.
4. ☐ The letter of express abandonment which is signed by the attorney or agent of record, the assignee of the entire interest, or all of the applicants.
5. ☐ The letter of express abandonment which is signed by an attorney or agent (acting in a representative capacity under 37 CFR 1.34(a)) upon the filing of a continuing application.
6. ☐ The decision by the Board of Patent Appeals and Interference rendered on \_\_\_\_\_ and because the period for seeking court review of the decision has expired and there are no allowed claims.
7. ☐ The reason(s) below:

AFischer 6/1/04

Andrew J. Fischer  
Examiner  
Art Unit: 3627

Petitions to revive under 37 CFR 1.137(a) or (b), or requests to withdraw the holding of abandonment under 37 CFR 1.181, should be promptly filed to minimize any negative effects on patent term.

TO: Auto-reply fax to 972 367 2002 COMPANY:

## Auto-Reply Facsimile Transmission



TO:

Fax Sender at 972 367 2002

Fax Information

Date Received:

2/5/2004 11:15:13 AM [Eastern Standard Time]

Total Pages:

3 (including cover page)

**ADVISORY:** This is an automatically generated return receipt confirmation of the facsimile transmission received by the Office. Please check to make sure that the number of pages listed as received in Total Pages above matches what was intended to be sent. Applicants are advised to retain this receipt in the unlikely event that proof of this facsimile transmission is necessary. Applicants are also advised to use the certificate of facsimile transmission procedures set forth in 37 CFR 1.8(a) and (b), 37 CFR 1.6(f). Trademark Applicants, also see the Trademark Manual of Examining Procedure (TMEP) section 306 et seq.

Received  
Cover  
Page

=====&gt;

Feb 05 04 10:23a

Krista Douthitt

972-367-2002

p. 1

Carstens,  
Yee &  
Cahoon, L.L.P.

13760 N. Loop Road  
Suite 900  
Dallas, Texas 75240

Main No. (972) 367-2001  
Facsimile (972) 367-2002

## Facsimile Cover Sheet

To: Commissioner for Patents for Examiner Andrew J. Fischer Group Art Unit 3627	Facsimile No.: 703/872-9306
From: Krista Douthitt Paralegal to Duke Yee	No. of Pages Including Cover Sheet: 3
Message: Enclosed herewith: <ul style="list-style-type: none"><li>• Transmittal Document; and</li><li>• Notice of Appeal.</li></ul>	
Re: Application No. 09/578,751 Attorney Docket No: AUS000168US1	
Date: Thursday, February 05, 2004	
Please contact us at (972) 367-2001 if you do not receive all pages indicated above or experience any difficulty in receiving this facsimile.	This Facsimile is intended only for the use of the addressee and, if the addressee is a client or their agent, contains privileged and confidential information. If you are not the intended recipient of this facsimile, you have received this facsimile inadvertently and in error. Any review, dissemination, distribution, or copying is strictly prohibited. If you received this facsimile in error, please notify us by telephone and return the facsimile to us immediately.

PLEASE CONFIRM RECEIPT OF THIS TRANSMISSION  
BY FAXING A CONFIRMATION TO 972-367-2002.

**Carstens,  
Yee &  
Cahoon, L.L.P.**

13760 Noel Road  
Suite 900  
Dallas, Texas 75240

Main No. (972) 367-2001  
Facsimile (972) 367-2002

## Facsimile Cover Sheet

To: Commissioner for Patents for <b>Examiner Andrew J. Fischer</b> <b>Group Art Unit 3627</b>	Facsimile No.: <b>703/872-9306</b>
From: Krista Douthitt Paralegal to Duke Yee	No. of Pages Including Cover Sheet: 3
<p>Message:</p> <p>Enclosed herewith:</p> <ul style="list-style-type: none"><li>• Transmittal Document; and</li><li>• Notice of Appeal.</li></ul>	
Re: Application No. <b>09/578,751</b> Attorney Docket No: <b>AUS000168US1</b>	
Date: Thursday, February 05, 2004	
<b>Please contact us at (972) 367-2001 if you do not receive all pages indicated above or experience any difficulty in receiving this facsimile.</b>	<i>This Facsimile is intended only for the use of the addressee and, if the addressee is a client or their agent, contains privileged and confidential information. If you are not the intended recipient of this facsimile, you have received this facsimile inadvertently and in error. Any review, dissemination, distribution, or copying is strictly prohibited. If you received this facsimile in error, please notify us by telephone and return the facsimile to us immediately.</i>

**PLEASE CONFIRM RECEIPT OF THIS TRANSMISSION  
BY FAXING A CONFIRMATION TO 972-367-2002.**



HP OfficeJet  
Personal Printer/Fax/Copier/Scanner

Fax History Report for  
Krista Douthitt  
972-367-2002  
Feb 05 2004 10:24am

---

Last Fax

<u>Date</u>	<u>Time</u>	<u>Type</u>	<u>Identification</u>	<u>Duration</u>	<u>Pages</u>	<u>Result</u>
Feb 5	10:23am	Sent	17038729306-2999	1:03	3	OK

---

Result:

OK - black and white fax  
OK color - color fax



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

3627  
161

In re application of: **Shrader et al.**

Serial No.: **09/578,751**

Filed: **May 25, 2000**

For: **Client-Side Pricing Agent for  
Collecting and Managing Product Price  
Information Over the Internet**

**35525**

PATENT TRADEMARK OFFICE  
CUSTOMER NUMBER

§  
§  
§  
§  
§  
§

Group Art Unit: **3627**

Examiner: **Fischer, Andrew J.**

Attorney Docket No.: **AUS0001681**

**RECEIVED**

**JUL 6 2004**

**GROUP 3600**

Certificate of Mailing Under 37 C.F.R. § 1.8(a)

I hereby certify this correspondence is being deposited with the United States Postal Service as First Class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on June 25, 2004.

By:

*Krista Douthitt*  
Krista Douthitt

**TRANSMITTAL DOCUMENT**

Mail Stop Petitions  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

ENCLOSED HEREWITH:

- Petition to Withdraw Holding of Abandonment;
- Copy of Notice of Appeal filed on February 5, 2004;
- Copy of USPTO fax confirmation receipt;
- Copy of Notice of Abandonment; and
- Our return postcard.

No fees are believed to be necessary. If, however, any fees are required, I authorize the Commissioner to charge these fees which may be required to IBM Corporation Deposit Account No. 09-0447.

Respectfully submitted,

*Duke W. Yee*

Duke W. Yee

Registration No. 34,285

**YEE & ASSOCIATES, P.C.**

P.O. Box 802333

Dallas, Texas 75380

(972) 367-2001

ATTORNEY FOR APPLICANTS